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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,125	02/11/2004	Eduard Bruchwiler	003-115	2453
36844 7590 04/12/2007 CERMAK & KENEALY LLP 515 E. BRADDOCK RD SUITE B ALEXANDRIA, VA 22314			EXAMINER COZART, JERMIE E	
			ART UNIT 3726	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/12/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,125	<b>Applicant(s)</b> BRUEHWILER ET AL.	
	<b>Examiner</b> Jermie Cozart	<b>Art Unit</b> 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-6 and 19 is/are allowed.
- 6) ☒ Claim(s) 7,8,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 9-18, 20, and 23-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The Declarations filed on 1/11/07 under 37 CFR 1.131 are sufficient to overcome the Newton et al. (US 6,860,173 B2) reference.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (5,212,865).

Regarding **claim 7**, Davis discloses an installation tool (10) for installing spiral threaded inserts (13), wherein the tool comprises a single shaft (12) having a first end including first means (19) for anti-rotation retention and guidance of a threaded insert (13), and second means (18) for securing the first threaded insert in the first means (19). See column 2, line 34 – column 3, line 40, and figures 2-3 for further clarification.

Regarding **claim 21**, Davis discloses installing threaded inserts (11, 13) by inserting a first threaded insert (13) into an installation tool (10), securing the first threaded insert (13) with separate securing means (30) in the installation tool (10) to prevent the insert (13) from falling out, and screwing the first threaded insert (13) into a tapped hole (8) of a work-piece (17). See column 2, line 34 – column 3, line 40, and figures 2-3 for further clarification.

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4. Claims 7, 8, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Newton et al. (US 6,367,138 B1).

Regarding **claims 7 and 8**, Newton discloses an installation tool (10) for installing spiral threaded inserts (26), wherein the tool comprises a single shaft (42,44) having a first end including first means (20) for anti-rotation retention and guidance of a first threaded insert (12), and second means (44) for securing the first threaded insert in the first means (20). The first means (20) comprises a head (102) having an elongated circular-cylindrical bolt (i.e. the length of the first means is considered to be a cylindrical bolt), which bolt has, at a front end (24) a slotted section (21, see Figs. 3 and 6) for pushing the first threaded insert (26) over the bolt. *See column 3, line 5 – column 6, line 27, and figures 2-6 for further clarification.*

Regarding **claims 21 and 22**, Newton discloses installing spiral threaded inserts (26) by inserting a first threaded insert (26) into an installation tool (10), securing the first threaded insert (26) with separate securing means (20) in the installation tool (10) to prevent the insert (26) from falling out, and screwing the tool the first threaded insert (26) into a tapped hole (28) with the installation tool (10). The threaded insert (26) has a driving tang (27), wherein securing comprises securing the first threaded insert (26) in the installation tool (10) with securing means (20) on the driving tang (27) to prevent the first threaded insert (26) from falling out, and cutting off (col. 6, lines 24-27) the driving tang (27) from the first threaded insert (26) after securing the first threaded insert (26). *See column 3, line 5 – column 6, line 27, and figures 2-6 for further clarification.*

**Allowable Subject Matter**

5. Claims 1, 4-6, and 19 are allowed.

6. Claims 9-18, 20, and 23-26 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of their respective base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 7, 8, 21, and 22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

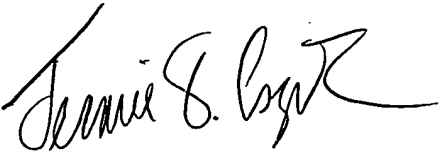
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**JERMIE E. COZART**  
**PRIMARY EXAMINER**

April 4, 2007